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CASE CLV- 31346A

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Jennifer China  
Type of print name

Jennifer China  
Signature

July 23, 2001  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

WINTERTON ET AL.

APPLICATION NO: 09/802,757

FILED: JUNE 28, 2001

FOR: METHOD FOR APPLYING A COATING TO A MEDICAL DEVICE

Assistant Commissioner for Patents  
Washington, DC 20231

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AUG 01 2001

Technology Center 2100

RESPONSE TO NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION

Sir:

The Notice Of Omitted Items in a Nonprovisional Application - Filing Date Granted dated March 9, 2001 (a copy of which is enclosed) has a shortened statutory time set to expire on August 14, 2001.


In response, applicants now submit **Page 2** of the specification in accordance with the notice of omitted items in a nonprovisional application filed under 37 CFR 1.53 (b). If not already paid, please charge the \$130 surcharge fee under 37 CFR §1.17(k) to Deposit Account No. 19-0134 in the name of Novartis Corporation.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis Corporation.

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A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,

  
\_\_\_\_\_  
Robert J. Gorman, Jr.  
Attorney for Applicants  
Reg. No. 41,789

Novartis Corporation  
Patent and Trademark Dept.  
564 Morris Avenue  
Summit, NJ 07901-1027  
(678) 415-4389

Date: *23 July 2001*

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY/DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/802,757         | 03/09/2001          | Jorg Leukel           | CLV-31346A             |

CONFIRMATION NO. 8263

001095  
THOMAS HOXIE  
NOVARTIS CORPORATION  
PATENT AND TRADEMARK DEPT  
564 MORRIS AVENUE  
SUMMIT, NJ 079011027

## FORMALITIES LETTER



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Date Mailed: 06/14/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION **RECEIVED**

FILED UNDER 37 CFR 1.53(b)

AUG 01 2001

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A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 2 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the US Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

DOCKETED FOR: Aug. 14, 2001

necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to be 'MAM', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY